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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,484	12/04/2000	Connie T. Marshall	ODS/018	5978

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EXAMINER	
NGUYEN, BINH AN DUC	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/729,484	MARSHALL ET AL.	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-18* is/are pending in the application.

4a) Of the above claim(s) *1-3,5-7,11-13 and 15-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,8,14 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Amendment filed February 6, 2008 has been received. According to the Amendment, claims 4 and 8 have been emended. Currently, claims 1-8 and 11-18 are pending in this application, wherein claims 1-3, 5-7, 11-13, and 15-17 have been previously withdrawn due to non-elected inventions. Claims 4, 8, 14, and 18 are hereby examined on the merits. Acknowledgment has been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 8, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Brenner et al. (6,004,211).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claim 14, Brenner et al. teaches a system of providing a user interface for interactive wagering, comprising: a user input device (122)(Figure 1) that accepts user inputs (2:32-67; 8:15-28; 9:5-25; 9:67-10:7); and control circuitry (140)(Figure 2)(7:55-67) that receives an indication from a user of a wagering preference as one of the user inputs, *e.g., player starts the interactive racing game by selecting race tracks, races, wager types, and wager amounts*, that stores the wagering preference (for current and subsequent wagering sessions), that uses the stored wagering preference as a default selection in subsequent wagers (in at least one of the subsequent wagering sessions), *e.g., the setting that could be reused as in "duplicate a wager" option (12:45-50)*, wherein the subsequent wagers are associated with at least a track selection, a race selection, a bet type selection, a bet amount selection, and a horse selection, and that provides the user with an opportunity to change the default selection for at least one of the subsequent wagers from the default selection to another selection e.g., selecting "duplicate a wager," "more bets same race," or "delete" wager, (12:27-50) (Figs.8-19). Note that, the "duplicate a wager" function provides the user with an opportunity to place a new wager from previously wager selections, which in fact is a saved player preference or player default setting. Further note that, Brenner et al.'s teaching of user selection of "more bets same race" (12:27-37) wherein the same race being reused is considered as a default or saved player preference.

Regarding applicant's amended limitations of storing the wagering preference for subsequent wagering sessions and using the stored wagering preference as a default selection in subsequent wagers in at least one of the subsequent wagering sessions, these are still inherent from Brenner et al.'s teaching of "duplicate a wager" function that provides the user with an opportunity to reuse the wager amount from previous wager selections, the previous selected wager amount has been stored and never been altered when it being referred back at a subsequent wagering session. Also, Brenner et al.'s teaching of user selection of "more bets same race" (12:27-37) wherein the same race being reused, and is considered as a default or saved player preference.

Referring to claim 4, the system of Brenner et al. above is capable of performing a method of providing a user interface for interactive wagering, comprising: receiving an indication from a user of a wagering preference, *e.g., accepting user inputs* (2:32-67; 8:15-28; 9:5-25; 9:67-10:7); storing the wagering preference for subsequent wagering sessions, *e.g., the user inputs being stored for subsequent wagers such that some of the user's inputs or player preference could be reused (12:27-50)*; using the stored wagering preference as a default selection in subsequent wagers in at least one of the subsequent wagering sessions, wherein the subsequent wagers are associated with at least a track selection, a race selection, a bet type selection, a bet amount selection, and a horse selection; and providing the user with an opportunity to change the default selection for at least one of the subsequent wagers from the default selection to another selection e.g., selecting "duplicate a wager," "more bets same race," or "delete" wager,

(12:27-50) (Figs.8-19). Note that, the "duplicate a wager" function provides the user with an opportunity to place a new wager from previously wager selections, which in fact is a saved player preference or player default setting. Further note that, Brenner et al.'s teaching of user selection of "more bets same race" (12:27-37) wherein the same race being reused is considered as a default or saved player preference.

Regarding applicant's amended limitations of storing the wagering preference for subsequent wagering sessions and using the stored wagering preference as a default selection in subsequent wagers in at least one of the subsequent wagering sessions, these are still inherent from Brenner et al.'s teaching of "duplicate a wager" function that provides the user with an opportunity to reuse the wager amount from previous wager selections, the previously selected wager amount has been stored and has never been altered when it being referred back at a subsequent wagering session. Also, Brenner et al.'s teaching of user selection of "more bets same race" (12:27-37) wherein the same race being reused, and is considered as a default or saved player preference.

Referring to claims 8 and 18, Brenner et al. teaches the at least one default setting of the default wager is a previously selected track (using the hot button to bet on the next race and by pass selection steps 196, 204, and 213)(Figure 3 and column 17, lines 10-26, or using the "duplicate a wager" feature).

Response to Arguments

Applicant's arguments filed February 6, 2008 have been fully considered but they are not persuasive.

The applicant argued that Brenner et al. does not teach the amended limitations of storing the wagering preference for subsequent wagering sessions and using the stored wagering preference as a default selection in subsequent wagers in at least one of the subsequent wagering sessions (applicant' remark, page 7, 3rd full paragraph to page 8, 1st full paragraph) deemed not to be persuasive. As being addressed above, applicant's amended limitations of storing the wagering preference for subsequent wagering sessions and using the stored wagering preference as a default selection in subsequent wagers in at least one of the subsequent wagering sessions, are inherent from Brenner et al.'s teaching of "duplicate a wager" function that provides the user with an opportunity to reuse the wager amount from previous wager selections, the previously selected wager amount has been stored and has never been altered when it being referred back at a subsequent wagering session. Also, Brenner et al.'s teaching of user selection of "more bets same race" (12:27-37) wherein the same race being reused, and is considered as a default or saved player preference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
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BN

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